

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**V.**

**MOHAMMED ALI YASSINE, (1)  
a/k/a "Steve," a/k/a "Steve Austin,"**

**Defendant.**

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**CRIMINAL NO. A-12-CR-104(SS)**

**GOVERNMENT'S RESPONSE TO DEFENDANT MOHAMMED ALI YASSINE'S  
MOTION FOR PRODUCTION OF TRANSCRIPTS AND NOTICE  
OF INTENT TO USE TRANSCRIPTS AND  
INCORPORATED MEMORANDUM OF LAW**

The United States of America, by and through the United States Attorney for the Western District of Texas, respectfully submits this response to Defendant Mohammed Ali Yassine's (hereinafter "Steve Yassine") motion (Doc. 89) requesting that the Government produce transcripts under Fed. R. Crim. Pro. 16 and Fed. R. Crim. Pro. 12(b)(4), and would show the Court as follows:

The Government considers this motion to be moot, given the Court's Order on August 15, 2012, 3:08PM, denying Defendant's motion for a continuance and addressing the production of Government transcripts. It should be noted, nevertheless, that the Government filed a response to a nearly identical motion from Defendant Hadi Ali Yassine which also requested the production of Government transcripts in cause number A-12-CR-105(SS). Moreover, the Government disagrees with Defendant that either Fed. R. Crim. Pro. 16, or Fed. R. Crim. Pro. 12(b)(4) require the Government to produce transcripts under the circumstances presented here. Indeed, a careful reading of Fed. R. Crim. Pro. 12(b)(4) reveals that it is intended to afford the

Defendant timely access to materials that the Defendant may move to suppress. No such remedy is available with respect to Government transcripts. Rule 12(b)(4) then refers to Rule 16, which in turn, does not appear to address the issue of Government transcripts. Finally, the Government respectfully requests that the Court consider setting a schedule in which the Defendant (and all codefendants) submit to the Government and/or Court any *defense transcripts*, so that any differences or disputes about content can be resolved in a timely fashion.

Respectfully submitted  
JOHN E. MURPHY  
Attorney for the United States  
Acting Under the Authority,  
Conferred by 28 U.S.C., Section 515

/s/ Gregg N. Sofer  
GREGG N. SOFER  
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Bar No. NY106209

**CERTIFICATE OF SERVICE**

I hereby certify that on August 17, 2012, the foregoing instrument was electronically filed with the Clerk of the Court using the CM/ECF System which will transmit notification of such filing to the following CM/ECF participant:

Stephen M. Orr  
Orr & Olavson  
804 Rio Grande  
Austin, Texas 78701  
*Attorney for Defendant Mohammed Ali "Steve" Yassine (4)*

/s/ Gregg N. Sofer  
GREGG N. SOFER  
Assistant United States Attorney

**UNITED STATES DISTRICT COURT  
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**MOHAMMED ALI YASSINE, (1)**  
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**Defendant.**

**CRIMINAL NO.     A-12-CR-104(SS)**

## ORDER

On this date came to be considered Defendant Mohammed Ali Yassine's Motion for Production of Transcripts Under Fed. R. Crim. Pro. 16 and Fed. R. Crim. Pro. 12(b)(4), and said Motion is hereby:

(DENIED) (Granted)

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

SAM SPARKS  
UNITED STATES DISTRICT JUDGE